

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:04CR471
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
JOSE RIVERA,)	
)	
Defendant.)	

In a joint status report, both parties have indicated that the defendant wants to rely upon his guilty plea even though I have rejected the plea agreement upon which that plea was predicated. They also advise me that a new plea agreement has been negotiated and they seek time to work out the details. Accordingly,

IT IS ORDERED that:

1. The defendant is advised that he may withdraw his plea but if his plea is not withdrawn by June 1, 2006, I may dispose of this case less favorably toward the defendant than the plea agreement he originally signed provided.
2. My judicial assistant shall arrange with counsel a time and date to consider this matter further. The defendant shall be present at that hearing. At that hearing, all matters ripe for decision, including sentencing and the acceptance of any new plea agreement, may be taken up.
3. The time between today's date and the date established pursuant to the foregoing paragraph is excluded from computation under the Speedy

Trial Act in the interests of justice and to allow the parties to complete their negotiations and present me a plea agreement. *See* 18 U.S.C. 3161(h)(1)(I)&(h)(8)(A)&(B).

4. Construed as a motion, the “joint status report” (filing 60) is granted.

May 16, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge